

Licensing Sub Committee D - 2 February 2023

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 2 February 2023 at 6.30 pm.

Present: **Councillors:** Weekes (Chair), Shaikh (Vice-Chair) and Croft
Also **Councillors:**
Present:

Councillor Angelo Weekes in the Chair

28 **INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Angelo Weekes welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

29 **APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence

30 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None

31 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest

32 **ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda

33 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 28 September 2022 and the minutes of the meeting held on 12 October 2022, both be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

34 **JENNINGS BET, 309-311 CALEDONIAN ROAD N1 1TD - NEW PREMISES APPLICATION UNDER THE GAMBLING ACT 2005 (Item B1)**

The Licensing Officer reported that further to the publication the agenda and report pack, two additional submissions had been received; the first in the form of an email from the applicant's legal representative on 27th January 2023 containing 20 supporting documents; the second was received this afternoon (2nd February 2023) in the form of an email from the applicant's legal representative, responding to the model conditions. The Sub-Committee, the Licensing Officer, the Licensing

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Authority, the Legal officer, the applicant, and their legal representative were handed a copy of these additional submissions.

There had also been correspondence between the applicant and the licensing authority.

The Licensing Authority noted that the plan which was initially submitted with their application wasn't adequate, and this was outlined to applicant. They had since sent an updated plan showing how machines could be observed by staff. The Licensing Authority confirmed they were now satisfied with the plans.

The Licensing Authority still had concerns regarding the proposed, daily lone working arrangements for the premises prior to 12PM, as said premises was located in an area known to suffer with a high level of crime and deprivation. The Licensing Authority was keen for the premises to retain a minimum of two floor staff on the floor at all times to adequately manage the premises. The Licensing Authority was open to potentially having an SIA-approved security guard on the floor to accompany the lone worker but would still strongly suggest a minimum of two members of staff on the floor at any time.

The Licensing Authority also noted their preference that staff training should be carried out bi-annually rather than annually, as from the detail seen in the documents submitted by the applicant's Legal Representative, a lot would be required of the lone worker. The Licensing Authority noted that the other items were fine but would refer to their recommendation that there was a lack of detail submitted regarding staff training and frequency and that they would expect high standards of management and best practice. The Licensing Authority had corresponded with the applicant to ask if there was a record of customer behaviours or interventions, but those figures weren't available at that time. The most recent procedure has only been there since November. The premises would be the first branch of Jennings Bet in the borough; previously there were two, but these have both closed. The Licensing Authority requested that the Sub-Committee ask about records from the shops on interventions, especially where there are lone workers, and distractions and how they could respond to customers who wish to self-exclude.

In response to questions from the Sub-Committee on whether the monitoring of outside of the premises would be something that they would want to see evidence of, the Licensing Authority confirmed that they would like to see commitment from the applicant towards being a good neighbour.

The Sub-Committee highlighted that Jennings Bet's model was to have two members of staff on the floor from midday, yet the Council's model policy requested two from opening and asked the Licensing Authority whether they foresaw any issues in the operating model that Jennings Bet were proposing. The Licensing Authority reaffirmed that their preference that two staff were on the floor from opening, particularly with the experience that morning periods could be the subject of anti-social behaviour from persons suffering with alcoholism.

The Legal Representative for the applicant had confirmed in correspondence that Jennings Bet did not agree to condition 1.7 of the model conditions ensuring at least

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50% of the shop front was clear of advertising. The Licensing Officer noted that historically there were general conditions that windows of gambling establishments be covered which have since been relaxed and added that a clear frontage would allow greater visibility of the outside of the premises. The applicant's Legal Representative thanked the Licensing Authority for the helpful dialogue throughout the application stages and noted that condition 1.7 contravened Jennings Bet policy rather than Planning permission, adding that Jennings Bet would not want young children walking past the premises and looking inside the premises. Jennings Bet would generally have 80% of their windows covered so that staff still have some visibility of outside, but that 50% would be too much as it would allow greater visibility into the premises from outside. The Legal Representative noted that the applicant, Jennings Bet, would be more than happy to be a good neighbour and work with relevant authorities / partners such as the police. The Legal Representative noted that one of the proposed conditions required the applicant to do something about street drinking outside which the Legal Representative said wouldn't be an appropriate task for the applicant's staff to perform and that protecting children and vulnerable persons from seeing inside took greater priority.

The Legal Representative for the applicant provided data on interventions for the last twelve months across their 57 branches in Greater London – in this period there had been 3186 interventions across those shops. In the Colindale Road branch, in a similar location, police had agreed to have two staff after midday and there were 127 interventions. The applicant noted that there was no record of problems between 8.30am and 12pm at this branch. There had not been sufficient time to break down the data by the time of day each intervention took place prior to the meeting.

The applicant stated that Jennings Bet do not have two members of staff on the shop floor during the pre-midday period in any of their branches, and that they took the relevant safety precautions such as CCTV and staff fobs. The applicant noted that in their experience, their lone-working staff were still able to intervene with customers on the shop floor, as the premises were not that busy during this time and the requirement was not needed from a responsible gambling view or otherwise and that the layout of the premises allowed adequate supervision of the space. The applicant expressed that they shouldn't be specifically required to intervene outside, but that monitoring would be acceptable.

The Legal Representative welcomed the Licensing Authority's point on expecting high standards but expressed again that 50% of the shop front did not need to be covered and hoped that the Sub-Committee were satisfied with the information provided at this hearing in support of their argument.

The Sub-Committee were asked to consider in their judgement that Jennings Bet was a family business operating since the 1960s, which was owned by the grandson of the original 'Jennings' and has the great-granddaughter as its 'Head of Compliance' who works with 'Bet Know More' – a charity which is based in Islington – and pushes compliance very seriously within the group. The applicant noted that they had spent a great deal of time working on the policies and procedures that had been put forward to the Sub-Committee and that they had enclosed photos of their CCTV setup in their Basingstoke branch as an example. The applicant noted their

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approach to staff training was sufficient for their other branches and that no member of staff enters the shop floor without having received the training. The applicant's Legal Representative added that there were approximately 40 conditions being put forward which they had agreed to and hoped to set the standard going forward for Islington. The applicant's Legal Representative expressed that other gambling establishments likely didn't carry the level of conditions attached to this premises, because they were likely still operating on historical licences. The applicant hoped that the Sub-Committee was content that the evidence presented demonstrated high levels of understanding and management, and that they were satisfied that vulnerable people would be protected by our policies.

The Sub-Committee asked the applicant to outline what specific policies and procedures they would enforce to prevent young and vulnerable people in the area from gambling. The applicant responded, noting that their 'Customer Interaction Policy' required a member of staff to monitor anyone entering the premises and that they operate 'Challenge 21'. The applicant stated that the front door of the premises would be visible from the staff counter and that staff's initial assessment of customers entering the premises would draw on their training and experience and that after assessing a customer's behaviour, would intervene where necessary. The applicant stated that their company had conducted work in collaboration with partners to identify triggers for customers who may be vulnerable to harm and that this was included within their training policy – this included jumping two machines, which is banned, declination of card payments and excessive time spent on a machine. These triggers are recorded on back-office systems

The Sub-Committee asked how the applicant decided on this location for their establishment. The applicant responded, stating they formerly had a branch in King's Cross and at the time had conducted an assessment on expanding into the Caledonian Road area, which ruled this out on the grounds that three establishments were already in operation and that a fourth would not be viable at that location. The applicant stated that in 2019 they were made aware that one of these establishments – William Hill – was closing. The applicant then reconsidered expanding into this area but declined to pursue the premises that William Hill had previously occupied. The applicant stated that their assessment was based on footfall, revenue and competition. The applicant told the Sub-Committee that they had conducted observation of other gambling establishments in the locality, and they wouldn't have chosen to invest in the area if they didn't feel that there was sufficient demand; their socio-economic data for this area showed there was a slight difference in clientele between the two existing gambling establishments still operating there. This was mainly that Ladbrokes attracted a more, middle-aged clientele than Paddy Power, but mixed between the two, which the applicant would hope to benefit from by appealing to both sets of customers. In the applicant's observation of the locality, they expressed that they had not yet witnessed younger people in the area partaking in gambling.

The Sub-Committee asked the applicant as to how well they understood the borough and more specifically, the Caledonian Road locality. The applicant stated that they understood that Islington was a unique borough and that they also wanted to protect families. The applicant noted that the locality was 24 on the Gambling Risk Index but that they already operate in some difficult locations such as Brixton

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and Newham, without experiencing some of the issues that other major operators have had, which they attributed to staff morale and community spirit.

The Sub-Committee noted that the applicant, in opting not to occupy the former William Hill unit, which was on the eastern side of the road, would be present on the western side of Caledonian Road, which was notably less affluent, and asked if this was intentional. The applicant responded that this was not a fair assessment, that the western side had more economic activity, and that the location choice was a commercial decision to draw off the existing businesses including a local public house. A member of the Sub-Committee responded by stating that there was a high turnover of units across the borough and that both sides of Caledonian Road could be quite busy.

The Sub-Committee asked the applicant whether their presence would stimulate business in the locality, and whether in their assessment, they believed that their presence would constitute a saturation of gambling establishments in the area. The applicant responded by stating there were previously three establishments operating in this area for a long time, that in their opinion this number of establishments was commercially sufficient for the area and that they were only looking to occupy the premises to draw of the business that had been divided among the remaining two establishments.

The Legal Representative noted that of the applicant's 130 licences, and the approximately 6,000 licensed gambling establishments nationally, most don't have any conditions at all, but were willing to accept conditions for this branch. However, the Legal Representative stated that it was wrong in law to ask staff to actively intervene in incidents outside the premises but that they would do what they could within their remit.

The applicant stated that in response to the Licensing Authority's concerns, they had a conversation internally and agreed that bi-annual / refresher training for staff was achievable if it had to be done.

The Legal Representative stated that the applicant was being reasonable and apologised if there was any confusion in the provision of information to the Sub-Committee.

In response to questions from the Sub-Committee as to whether they would consider implementing Challenge 25, the applicant confirmed that this was acceptable, as it was interchangeable with the Think 21 that they had already committed to, and that this was already in operation in a branch in Enfield.

The applicant stated that their CCTV system was adequate to monitor the premises and was licensed with the Information Commissioner (ICO).

In response to questions from the Sub-Committee about their recruitment process, the applicant stated that an experienced manager had been provisionally earmarked for this location and that all staff have been trained to be duty managers, so that at any one time the staff in the shop will be managers and not desk bound. The

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manager will come in and open the shop and then the duty manager will come in and they will both be there until the end of the day.

The Sub-Committee noted that the Licensing officer did ask for data around customers going forward so that the Council could have some oversight, but just wanted to clarify regarding data looking at social practice and protecting the vulnerable. In response, the Legal Representative noted that this was done in every branch and that data was provided to the Licensing Authority on interventions – there were 1376 in other London shops for various reasons. The applicant stated that their data on responsible gambling interactions with customers could be broken down and gave an example for their Colindale Road branch. The applicant stated that it was only because of the short timeframe that they were unable to have provided the Sub-Committee with more detailed data prior to the hearing

In summing up, the Licensing Authority noted that there were a lot of good practices in place, especially with Challenge 25, however, reaffirmed that there should be two staff from premises opening, given that the location suffers from high crime and anti-social behaviour. The Licensing Authority noted that the concern regarding the impact on social issues in the locality was reflected in residents' representations. The Licensing Authority thanked the applicant for agreeing to what conditions they had agreed to but stated they would be happier if the applicant agreed to two staff on duty.

In summing up, the Legal Representative stated that the applicant wanted to be extremely helpful and had agreed to 40 conditions. The Legal Representative stated they have put forward explanations regarding the four or five conditions they didn't accept. The Legal Representative stated that the applicant had no resistance to the Council's Policy, which was new to operators and that had also now agreed to Challenge 25. The Legal Representative asked that the Sub-Committee consider that the applicant is buying into the policy and agreeing to be one of the most regulated establishments. The Legal Representative apologised for any lack of clarity from themselves during the process and hoped that the Sub-Committee found the applicant had demonstrated that their proposals represented extremely high standards of management and that this would not constitute a saturation of gambling establishments in the area.

RESOLVED:

That the application for a new premises licence in respect of Jennings Bet, 309-311 Caledonian Road, N1 1TD to permit the premises to operate as a betting shop under Section 159 of the Gambling Act 2005 be refused.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Gambling Act 2005 and its regulations, the Code of Practice and guidance issued by the Gambling Commission and the Council's Gambling Policy.

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The Sub-Committee noted submissions from the Licensing Authority and local residents although the residents notified the Sub-Committee that they would not attend.

The Gambling Act 2005 states that Licensing Authorities shall aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it in accordance with guidance, reasonably consistent with licensing objectives and in accordance with the licensing policy statement.

The Licensing Objectives are:

- 1) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.
- 2) Ensuring gambling is conducted in a fair and open way
- 3) Protecting children and other vulnerable people from being harmed or exploited by gambling

The Sub-Committee took particular notice of Part 3 and Appendix 2 of the Gambling Premises Licensing Policy ("The Gambling Policy"). It refers to a cluster of licensed gambling premises in Caledonian Road which is an area with a high level of multiple deprivation. The Council has serious concerns around the impact of any increase in the opportunity to gamble in the borough and the effect it will have on its most vulnerable residents. "A key determinant in making decisions about Gambling Premises applications will be the Council's duty to promote the licensing objectives to protecting children and other vulnerable persons... This is a far-reaching requirement, and the Council will interpret the definition of a vulnerable person to include anyone who gambles as being at risk of being harmed".

The Gambling policy states that any location with a Gambling Risk Index of 20 or above is a Gambling Vulnerability Zone. The applicant's representative stated that the area was 24 on the Index. The Sub-Committee looked at the Gambling Risk Index and noted that the premises were in a Gambling Vulnerability Zone. The Policy advises that in areas where a new application that could result in saturation, the creation of gambling premises clusters or increase the risk of vulnerable being harmed by gambling, the Council will consider refusal of the application unless satisfied that vulnerable persons will not be harmed by the proposed gambling activities.

The Sub-Committee did not accept the evidence of the applicant that granting the premises licence would not increase overall trade because it would be taking trade from the other two betting shops to which it was in close proximity. Conditions would not remedy the problem of increased trade in a difficult area. The Sub-Committee did not think therefore that granting the premises licence would be reasonably consistent with the licensing objective of protecting vulnerable people from being harmed or exploited by gambling or in accordance with the Gambling Policy.

The meeting ended at 8.17 pm

CHAIR